

SCOTT A. PORTNER, ESQUIRE

Identification No. 85314
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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DETA HILL	:	CIVIL ACTION
	:	
	:	
	:	
vs.	:	
	:	
GIUMARRA VINEYARDS CORP.	:	
	:	
and	:	
	:	
	:	
INNOVATIVE TRANSPORT LIMITED	:	NO.
LIABILITY COMPANY	:	
	:	
and	:	
	:	
JEROME E. POWELL JR.	:	
	:	
and	:	
	:	
JGDB TRANSPORT, LLC	:	
	:	
and	:	
	:	
MATTHEW BAER	:	
and	:	
	:	
JOHN DOE(S) 1-10 AND	:	
ABC CORPORATION(S) 1-10,	:	
	:	
Defendants.	:	

COMPLAINT

1. Plaintiff Deta Hill is a citizen and resident of the State of Delaware, residing at 718 E. 7th Street, Wilmington, DE 19801.

2. Defendant Innovative Transport, Limited Liability Company is a business organization existing under and by virtue of the laws of Commonwealth of Pennsylvania, with its principal place of business located at 242 Auburn Drive, Easton, PA 18042-7119.

3. Giumarra Vineyards Corp. is a business organization existing under and by virtue of the laws of a government body other than the Commonwealth of Pennsylvania, with its principal place of business located at 11 Gist Road, Suite 101, Wilmington, Delaware 19801.

4. Defendant a Jerome E. Powell Jr. is a citizen and resident of the State of New Jersey, residing at 1 Pond View Drive APT G203, Swedesboro NJ 08085.

5. Defendant JGBD Transport LLC is a business organization existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 2826 Holmes Avenue, Philadelphia, PA 19152.

6. Defendant Matthew Baer is a citizen and resident of the State of New Jersey, residing at 4701 S. Blackhorse Pike, Williamstown, NJ 08094.

7. Upon information and belief, Defendants John and Jane Does 1 through 10 are individuals whose names and addresses of residences are unknown.

8. Upon information and belief, Defendants ABC Corporation(s)1 through 10 are corporations, the names and addresses of residences of which are unknown.

9. The jurisdiction of this Court is invoked under 28 U.S.C. § 1332, there being diversity of citizenship between the parties and the amount in controversy, exclusive of interest and costs, being in excess of seventy-five thousand dollars (\$75,000.00).

10. Venue is appropriate in this Court since a substantial part of the events giving rise to the claim occurred in this judicial district.

11. At all times pertinent to this case, defendant Giumarra Vineyards Corp. was engaged as a fruit expeditor at the Port of Wilmington in Wilmington, Delaware.

12. At all times pertinent to this case defendant Innovative Transport Limited Liability Company, believed to be owned by defendant Jerome E. Powell, Jr., was in the business of leasing and supplying trailers to trucking companies for the purpose of carrying cargo while being hauled by tractors.

13. On or about February 14, 2020 defendant Innovative Transport Limited Liability Company leased a 2000 trailer bearing New Jersey tag number TJS90E to defendant JGDB Transport LLC for the purpose of carrying freight over the road while being hauled by tractors owned, possessed or controlled by defendant JDBG Transport LLC and operated by defendant Matthew Baer.

14. On or about February 14, 2020, and at all times pertinent hereto, defendant JDBG Transport LLC owned, managed, operated, possessed and controlled a Peterbuilt tractor.

15. On or about February 14, 2020 at approximately 5:00 p.m the aforescribed trailer had been secured to the aforescribed tractor by employees of Innovative Transport Limited Liability Company.

16. On or about February 14, 2020 at approximately 5:00 p.m., the aforescribed tractor trailer combination was being operated by defendant Matthew Baer, an employee of defendant JDBG Transport LLC, in the course and scope of such employment and was parked at dock door #6 on the north side of Warehouse E of the terminal in the Port of Wilmington, Wilmington, Delaware for the purpose of pallets of fruit to be loaded therein.

17. On or about February 14, 2020 at approximately 5:00 p.m., plaintiff was in the course and scope of her employment with GT USA Wilmington, LLC as a laborer whose assignment included scanning pallets of cargo into defendants' aforescribed tractor trailer.

18. On or about February 14, 2020 prior to 5:00 p.m., defendant Giumarra Vineyards Corp., through its agent, servant, workman and employee, Angel Rosales, instructed defendant Matthew Baer to move the aforescribed tractor trailer to dock door #16.

19. On or about February 14, 2020 at approximately 5:00 p.m., plaintiff was waiting to scan pallets of cargo in the course and scope of loading the defendants' aforescribed tractor trailer when defendant Matthew Baer pulled away from the dock causing the plaintiff to sustain the injuries which are the subject of this action.

20. Defendant Matthew Baer, pulling the defendants aforescribed tractor trailer and the resulting injuries suffered by plaintiff were proximately caused by the carelessness and negligence of defendants, by its agents, servants, workmen and employees.

21. By reason of the carelessness and negligence of the defendant as aforesaid, the plaintiff was caused to sustain injuries to her thoracic and lumbar sprain; right knee and right wrist, the extent of which has not yet been determined, she sustained other orthopedic, neurological and internal injuries; she sustained arthritic and vascular changes; she sustained severe shock and injury to her nerves and nervous system; she has in the past required and may in the future continue to require medicines, medical care and attention; she has in the past been and may in the future be compelled to expend monies and incur obligations for such care and attention; she has in the past suffered and may in the future continue to suffer agonizing aches, pains and mental anguish; she has in the past been and may in the future continue to be disabled from performing her usual duties, occupations and avocations.

WHEREFORE, Plaintiff Deta Hill claims damages of the defendants in a sum in excess of seventy five thousand dollars (\$75,000.00) together with interests and costs, and brings this action to recover same.

FREEDMAN AND LORRY, P.C.

BY: **Scott A. Portner**
SCOTT A. PORTNER, ESQUIRE

DATE: February 9, 2022

VERIFICATION

I , SCOTT A. PORTNER, ESQUIRE, hereby state that I am counsel for the Plaintiff and that I am authorized to make this verification on behalf of Plaintiff in the foregoing action; that I have personal knowledge of the statements made in the foregoing Complaint; and that the statements made in Plaintiff's Complaint are true and correct to the best of my knowledge, information and belief. I understand that the statements in this Verification are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

/s/ Scott A. Portner

SCOTT A. PORTNER, ESQUIRE
Attorney for Plaintiff

DATE: February 9, 2022